IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 31149 of 2004(G)

PETITIONER:

1. K.R.RAJA RAJA VARMA,
   NEDUMPURATH KOTTARAM, MATHILBHAGAM,
   THIRUVALLA.

2. T.K.SANTHA BAI THAMPURATTY,
   NO.34, ULLOOR LANE, JAGATHY, P.O.THAIKKAD,
   THIRUVANANTHAPURAM.

BY ADV. SRI.P.VIJAYAKUMAR

RESPONDENTS:

1. STATE OF KERALA, REP.BY CHIEF
   SECRETARY, THIRUVANANTHAPURAM.

2. THE ACCOUNTANT GENERAL OF KERALA,
   THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER G.P. SMT.ANU SIVARAMAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/06/2007, THE COURT ON 26/06/2007 DELIVERED THE FOLLOWING:

W.P(C).No. 31149/04.

APPENDIX

PETITIONER'S EXHIBITS:

P1. COPY OF THE REPRESENTATION DTD.6.1.96.

P2. COPY OF THE JUDGMENT IN O.P.NO.35724/01.

P3. COPY OF THE GOVT. ORDER DTD.14.10.2003.

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P.A. to Judge.

S.SIRI JAGAN, J.

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W.P.(C).No.31149 of 2004

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Dated this the 26th day of June, 2007

J U D G M E N T

The petitioners belong to Neithallur Koyikkal which is an erstwhile royal family under Travancore State. They submit that they were born prior to 1.6.1949 and therefore they are entitled to political and family pension as granted by the Government. But in view of the omission on the part of the former head of the family to give the complete list of members of the family, several members of the family did not get pension. Therefore, by Ext.P1 representation dated 6.1.1996 they raised a claim for sanction of pension. Pursuant to Ext.P2 judgment of this court in O.P.No.35724/2001, the Government, by Ext.P3 order, sanctioned pension to the petitioners and others similarly situated. However, the same was restricted from the date of Ext.P3 viz., 14.10.2003. Petitioners' contention is that they

are entitled to pension from October, 1960 to 14.10.2003 also and seek appropriate directions to the respondents for disbursal of the same.

2. The State has filed a counter affidavit in which it is stated that the petitioners and others did not care to raise their claim for 33 long years, which was not on account of any fault on the part of the Government and therefore they cannot now claim retrospective payment of pension.

3. After considering the rival arguments, I am satisfied that the petitioners cannot be given pension from October, 1960 since admittedly, they approached the Government by Ext.P1 only on 6.1.1996. However, I feel that they would be entitled to pension at least from the date of Ext.P1, even if they cannot be given pension from October, 1960, since it was not on account of their fault that the claim for pension could not be considered earlier after filing of Ext.P1. In the above circumstances, I direct the 1st respondent to sanction and disburse arrears of pension to those

covered by Ext.P3 order from 6.1.1996 to 14.10.2003 also. This shall be done within three months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE